

Commission on Disability AGENDA Special Meeting

**North Berkeley Senior Center
Workshop B
1901 Hearst Ave. (at MLK)
Berkeley, CA 94709**

**Wednesday
10/5/2016
6:30 PM**

The Commission may take a break at approximately 8:00 pm.

A. PRELIMINARY BUSINESS

- 1) Call to Order by Chair Singer
- 2) Roll Call by Secretary
- 3) Public Comment on Items Not on the Agenda. (Up to 3 minutes per speaker)
- 4) Approval the Draft Action Minutes of **Sept 21, 2016***.
- 5) Approval and Order of Agenda
- 6) Update by Administration/Staff
- 7) Announcements

B. DISCUSSION/ACTION ITEMS

- * Written material included in packet
- ** Written material to be delivered at meeting
- *** Written material previously mailed

The public may speak at the beginning of any item. (comments may be limited to 3 minutes per speaker)

1. Universal Design/Visitability in Berkeley*- **Change in City council item template –Commissioner Singer** Council item to add accessibility to the submission template.
2. Universal Design/Visitability in Berkeley**- council item on automatic door openers for residential multi unit buildings and other residential access.
3. Easy Does It Emergency Services, invited speaker: Nikki Brown-Booker, acting executive director, update including emergency preparedness survey
4. **Portable Sign Pilot Program and other sidewalk obstacles**
Commissioner Weiss/staff update
5. **Schedule for commission meetings** Commissioner Leeder/Singer
6. **Center Street Garage Parking update**
Staff/Commissioner Weiss/Walsh
7. **Results of City Council Referral Prioritization Process*****

Complete list of Mayor and Council ratings is in the July 20 packet on the web (40 pages):

http://www.cityofberkeley.info/Clerk/Commissions/Commissions_Commission_on_Disability_Homepage.aspx

Staff /Commissioner Singer

8. **Bikes on sidewalks/signage*---council item**-Commissioner Graham/Singer
9. **Community Health Commission proposal regarding African American Resource Center in Berkeley-** staff/ Commissioner Singer
10. **City of Berkeley access services office update status, hiring-** Staff
11. **Service Animals Welcome** –information for businesses to go out with business license renewals
Weiss/Staff
12. **Reasonable accommodation for COD** – Commissioner Weiss

C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

Information items can be moved to Discussion or Action by majority vote.

1. Subcommittee Reports

- a. Accessible Transportation, Parking, Sidewalk and Pedestrian Safety Impacts of Bicyclists and Bicycle Traffic on Vulnerable Pedestrian Populations
Verbal Report by Commissioner Graham. (currently on action agenda)
- b. Rights of Persons with Disabilities (CRPD)

D. COMMUNICATIONS

1. sidewalk obstructions-on agenda

E. FUTURE AGENDA ITEMS (from adopted work plan, referrals, etc)

1. Universal design and visitability

F. ADJOURNMENT no later than 10 pm

Agenda Posted:

A complete agenda packet is available for public review on the web at http://www.cityofberkeley.info/Clerk/Commissions/Commissions_Commission_on_Disability_Homepage.aspx, and at the Public Works/Engineering Division front desk, 1947 Center Street, 4th Floor.

ADA Disclaimer



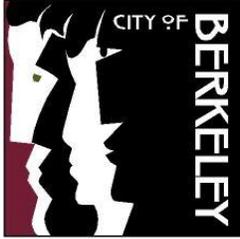
“This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346 (V) or 981-6903 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.”

Communications Disclaimer

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s

*website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.*

Commission Secretary: Carmella Rejwan, AIA, Disability Compliance Coordinator, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6341, Fax: (510) 981-6340 TDD: (510) 981-6347 email: crejwan@cityofberkeley.info



Commission on Disability

COMMISSION ON DISABILITY
Draft Action Minutes
Regular Meeting
Wednesday, September 21, 2016
North Berkeley Senior Center, Workshop B
1901 Hearst Avenue (at MLK), Berkeley, CA

A. PRELIMINARY BUSINESS

1) Call to Order: 7:35 PM

Commissioner Martha Singer (Chair) called the meeting to order at approximately 7:35 PM.

2) Roll Call:

Present: Commissioners Graham, Murray, Singer (Chair), Upadhyay, Walsh, Weiss (Vice Chair)

Absent: Commissioner Leeder

Staff: Kenneth Emeziem (Ken), Acting COD Secretary, Office of Access Services

3) Public Comment:

Speaker - Mary Richerson regarding sidewalk safety issues and vegetation overgrowth.

4) Approval of Minutes: The minutes of the Regular Meeting of July 20, 2016 was approved with amendments. Commissioner Weiss (Weiss) will make corrections on the minutes and submit to the secretary.

ACTION: Motion to approve Minutes. Unanimous to approve the Draft Action meetings as amended.

(M/S/C, Weiss/Upadhyay, 6-0-0)

5) Approval and Order of Agenda:

ACTION: Allow Chair Singer to revise the order of the Agenda as the Chair deemed appropriate.

(M/S/C, Weiss/Murray, 6-0-0).

6) Update by Administration/Staff: Ken mentioned that Ms. Carmella Rejwan, COD Secretary, is on vacation until October 3, 2016. As such, he is filling in for her until she returns.

7) Announcements: None

B. DISCUSSION/ACTION ITEMS:**1. Universal Design/Visitability in Berkeley –**

The Commission's report will go to Council on September 27, 2016.

No Action taken.

2. Portable Sign Pilot program –

The Commission's report is tentatively scheduled to go to Council together with the Transportation Commission report on October 18, 2016. Staff is waiting for Transportation commission to complete their report.

No Action taken.

3. Schedule for Commission Meetings –

ACTION: Motion to reschedule the last two meetings of the calendar year as follows:

Move October 19th meeting to October 5th and move November 16th meeting to November 2nd, 2016.

(M/S/C, Weiss/Murray, 6-0-0).

Unanimous approval to move meetings.

6. Bikes on Sidewalk/Signage -

ACTION: Motion to submit a council item about recommendation to promote bicycle safety

(M/S/C, Graham/Weiss, 6-0-0)

Unanimous approval.

5. Results of City Council Referral Prioritization process –

- There were several discussions including how the prioritization process will affect staff workplan in future. Weiss mentioned that at the September 13, 2016, City council meeting, council moved item #43A to Consent Calendar but did not move item #43B. She mentioned that Item #43A was approved with further discussion.
- Walsh mentioned Red Top meters that were deemed not accessible and removed in another City.
- Weiss & Walsh mentioned that Phil Harrington, Director of Public Works said that he needs one of the commissioners to serve on interview panel to select the Disability Coordinator specialist.
- The commission discussed revising the current City council item template to include a section which could be a single line to address impact of the proposed project on persons with disabilities and others. **No Action taken.**

4. Center Street parking garage -

- The commission discussed tracking issues associated with the old Center Street parking garage. The commission discussed if they could ask staff to explain how tracking is done and how to improve tracking for the new garage to ensure a more accurate tracking method.
- **ACTION:** Motion to ask staff for a plan of how to determine utilization to determine if additional disable parking spaces are warranted on the street and at the garage. (M/S/C, Walsh/Murray, 6-0-0).
Unanimous approval.

7. Community Health Commission Proposal for African American Resource Center in Berkeley-

- ACTION:** Motion to support Community Health Commission's concept for an African American Resource Center in Berkeley and look forward to more information about accessibility resources and inclusion of persons with disabilities in planning and programming.
(M/S/C, Weiss/Murray, 6-0-0)
Unanimous approval.

8. City of Berkeley ADA and access services office status -

- COD discussed the correct name and mentioned that the new name is Office of Access Services. It was formerly known as Disability access program.
- Weiss mentioned how important it is to record the COD meetings. In the past, she has requested reasonable accommodation together with at least another commissioner. Also, she reminded staff that the City should provide reasonable accommodation when requested.
- Ken informed COD that the City has purchased a new recording device. The new Disability Specialist will utilize the device to record meetings beginning next year since COD does not meet in December and the new staff will start work after November 2, 2016.
- Weiss & Walsh mentioned that at the September 13, 2016 Council meeting, Mr. Phil Harrington, Director of Public Works asked them if they had been contacted to serve on the interview panel for the Disability Specialist position. Murray mentioned that it is important for a member of COD to serve on the panel. It was discussed that whoever elects to serve on the panel has to be ready to spend the entire day as required by the City's Human Resources office for such interview panels. Staff will inquire from the Director.
- **No Action taken**

9. Service Animals Welcome -

- COD asked staff to ensure that the annual mailing packet from the City to Berkeley based businesses included the information about service animals.
- **No Action taken**

C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS - None

D. COMMUNICATIONS - None

E. FUTURE AGENDA ITEMS –

Chair Singer will send next meeting Agenda items to Ken.

F. ADJOURNMENT –

Adjourn meeting at 9:35pm

M/S/C, Murray/Upadhyay, 6-0-0)

Unanimous approval.



[Commission Name]

B1

[CONSENT OR ACTION]
CALENDAR

[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Martha Singer, Chairperson, Commission on Disability

Subject: Change template for City Consent or Action calendar to include access and universal design considerations

RECOMMENDATION

The Commission on Disability recommends that the submission template for City of Berkeley council consent and action items include accessibility as a consideration for all items submitted.

SUMMARY [*This section is included only if report exceeds three pages.*]

FISCAL IMPACTS OF RECOMMENDATION

Minimal- minimal staff time would be needed to update the template; potential cost and time savings from early consideration of accessibility would offset.

CURRENT SITUATION AND ITS EFFECTS

The current template for City of Berkeley Council action and consent items emphasizes consideration of fiscal impact and environmental sustainability but does not include the consideration of accessibility for persons with disabilities.

BACKGROUND

The city currently uses a template for submission of council action and consent items. The current template specifically asks for fiscal impact and environmental sustainability on every proposal.

Because of the extreme diversity of individuals with disabilities, including mobility, vision, hearing, and less visible disabilities, many council items and policy changes have unintended consequences that may impact their inclusion in the life of the community.

ENVIRONMENTAL SUSTAINABILITY

Urban projects that pre-plan for individuals with disabilities and the aging of the population are more likely to last longer without modification.

RATIONALE FOR RECOMMENDATION

Recent examples of issues that have been discussed in Commission on Disability have included overlap with nearly every area of civic life. Sidewalk obstructions including signs, vegetation, and bicyclists on sidewalks have impact on individuals with mobility issues, hearing and vision issues, and the aging, but also impact children, the use of strollers and the general use of common areas. Transportation issues include limitations in access to taxis and the availability of parking for disabled individuals. Housing issues include limitations in accessible housing, limitations in accessible affordable housing, and cost and responsibility of accommodations in apartment buildings. These are only examples of recent Berkeley issues.

A review of the 2016 List Of Prioritized City Council Referrals shows many of the issues that Council and staff find important have overlap with issues of interest to persons with disabilities, such as housing (for example item 1,2,3), but may not have specific provisions to address accessibility (for example items 9, 25, 29). The best time to include discussion of impact on individuals with disability is prior to submission.

Including a single question on each Council item submission regarding accessibility for individuals with disabilities would enable Berkeley to again be a leader in accessibility and independent living.

ALTERNATIVE ACTIONS CONSIDERED

While some Berkeley commissions have mandates for certain representation on them, for example, to include a Landmarks Preservation commissioner or Civic Arts commissioner, it is not possible to populate each advisory body with a representative for disabled individuals, and we feel by asking the question early on in each proposal to the council that improved dialogue and action for inclusion of individuals will be more likely to occur.

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."

CONTACT PERSON

[Name], [Title], [Department], [Phone Number]

Attachments: [Delete if there are NO Attachments]

1: Resolution and/or Ordinance

 Exhibit A: [Title or Description of Exhibit]

 Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

RESOLUTION NO. ##,###-N.S.

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.) .

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.) .

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



[Commission Name]

B8

[CONSENT OR ACTION]

CALENDAR

[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council
From: Commission on Disabilities
Submitted by: Martha Singer, Chairperson, Commission on Disabilities
Subject: Recommendations to promote sidewalk safety for people with disabilities in Berkeley.

RECOMMENDATION

- 1) Increase the public signage in Berkeley instructing bicyclists that a) riding on sidewalks, b) using curb cuts to access side walks, and c) riding in cross walks is illegal (per BMC section 14.68.130). Recommend that new signs include reference to a fine that will be enacted should they break that rule. (We would like to recommend that optional attendance at a bike safety class conducted by a local bike agency could waive the monetary fine.) These signs should be posted on blocks with high pedestrian traffic, including blocks with commercial business and also specifically at the site of any new city bike-share “stations”. “No bikes” stencils should be considered for all curb cuts to educate cyclists not to use those to access sidewalks.
- 2) Add signage to existing stop signs at certain dangerous intersections instructing bicyclists that “all bikes must stop.”
- 3) Work with stakeholders such as bicycle merchants, UC Berkeley, and any bicycle rental or bike-share programs to develop: a) posters about sidewalk safety that can be hung in their establishments; and b) FAQs or instructional brochures given to all new bike owners outlining rights and illegal behavior; and c) forms for bike renters to sign indicating that they have read the City of Berkeley rules, understand what is legal and illegal in terms of bicycle behavior, and agree to comply.
- 4) Review current legislation to investigate whether new legislation should be enacted to further protect pedestrians.
- 5) Work with Berkeley law enforcement to ensure that pedestrian safety laws (such as BMC section 14.68.130) are enforced and that ticketing of individuals who endanger pedestrian safety are prioritized.

SUMMARY *[This section is included only if report exceeds three pages.]*

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CURRENT SITUATION AND ITS EFFECTS

The safety of the sidewalks and crosswalks for people with disabilities and other citizens is compromised due to the behavior of bicyclists who break the law by riding their bikes on sidewalks, riding in crosswalks, and not stopping at stop signs. Our citizens with disabilities have shared stories with us about being hit by bicycles on the sidewalk, being terrified (or having service animals startled) when bicycles pass them at high speeds, bicycles who ring their bells at pedestrians expecting them to jump out of the way, clearly having no understanding that they should not be riding on the sidewalks. Blind individuals may be able to hear a bicycle but not be able to determine its direction. Deaf individuals are not able to hear bicycles coming from behind or running stop signs. Those using wheelchairs or who have other mobility impairments may not be able to get out of the way in time to avoid a collision. This situation is also dangerous for young children walking on the sidewalks, or seniors with limited mobility or balance.

BACKGROUND

The city of Berkeley is the home of the independent living and disability rights movement. Our city was one of the first cities in the US to promote accessibility for people with disabilities. For example, we were the first city to use curb cuts to make it possible for people in wheelchairs to use the sidewalks safely. That history has made the city of Berkeley an attractive place to live for many people with disabilities. As a result, we host a large population of people who live independently with disabilities. If you observe the sidewalks of Berkeley you will be struck by the number of people who are blind, Deaf or who have mobility impairments and get around with the assistance of wheelchairs, canes, or service animals. It's an extraordinary city we live in.

As a Commission, we heartily endorse the use of bicycles as an alternative form of transportation to motorized cars. We share the common goal of emulating the cities of Europe where bicycling is a prevalent and preferred mode of transportation over cars. But those European cities also have very clear rules enforced for bicyclists, pedestrians and motorists to ensure the safety of all.

The city started a pilot program to put up signs on two blocks of downtown Berkeley (photos of signs attached). These signs politely ask bicyclists to ride on the road or walk their bikes on the sidewalk. Daily observation in downtown Berkeley has shown this pilot program to be a failure. The signs are posted 12 feet off the ground, out of the site line of cyclists and pedestrians alike. Additionally, they do not reference any fine for this behavior. You will regularly see bicyclists speeding past these signs.

In the education portion of the last Berkeley Bicycle Plan, there was great focus on educating cyclists to improve safety for cyclists. There was good attention paid to educating motorists about how to prevent collisions with bicycles. But there was little mention of improving cyclist education around the safety of pedestrians. Pedestrians, especially those with disabilities, frail seniors, and young children are at the greatest risk when bicyclists engage in illegal behavior.

ENVIRONMENTAL SUSTAINABILITY

RATIONALE FOR RECOMMENDATION

We feel we are at a point in Berkeley where the prevalence of bicycles riding on sidewalks is so commonplace, it is clear most cyclists have no understanding that of what constitutes appropriate behavior. There is little awareness that riding on sidewalks is illegal since they see others bicycling on the sidewalk, running stop signs, etc. The lack of consistency in bicycle rules is also unsafe during bicyclists interactions with motorists. Many bicyclists expect motorists to give them the right of way, as if they are pedestrians, causing confusion and potential accidents.

This situation has become increasingly out of control and requires action. We believe the behavior of bicyclists in Berkeley is threatening our legacy as an environment that is welcoming and safe for people with disabilities. The time for polite signage has passed. We would like to have clear signage around Berkeley stating that biking on the sidewalks is illegal, with a monetary fine posted. The signage will be particularly important as biking expands through new city bike rental stations that we understand will be put into operation in 2016.

We feel that this problem needs to be adequately addressed in the Berkeley Bike plan update, with a combination of strategies, including but not limited to: education for bicyclists, public awareness campaigns, engagement with stakeholders such as bicycle merchants, new legislation, and enforcement of illegal activity.

In the interest of all the citizens in Berkeley (including those with disabilities), we hope you will consider our recommendations to promote shared understanding around appropriate bicycle behavior.

ALTERNATIVE ACTIONS CONSIDERED

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."

CONTACT PERSON

[Name], [Title], [Department], [Phone Number]

Attachments: [Delete if there are NO Attachments]

1: Resolution and/or Ordinance

 Exhibit A: [Title or Description of Exhibit]

 Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

RESOLUTION NO. ##,###-N.S.

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.) .

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.) .

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit